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Rejections under 35 U.S.C. §103(a)

Claims 1-4, 10-13 and 19-21 were rejected under 35 U.S.C. §102(e) as being unpatentable over Matthews et al. (U.S. Patent No. 4,602,129) in view of Pletz (U.S. Pub. No. 2002/0046086).

Matthews, U.S. 4,6012,129:

Matthews describes a Voice Message System (VMS), that is described at column 5 as follows:

"... the VMS 10 of Fig. 1 includes the following subsystems: an administrative subsystem 60, call processor subsystems 62A-62C, and a data storage subsystem 64. There is only one administrative system 60 and data storage subsystem 64 for each VMS system 10, but there may be multiple call processor subsystems 62A-62C..." (lines 20-27). "A message deposited from a caller is stored in the VMS system 10, and the message is later delivered to the addressee. Instructional messages are also stored in the data storage 64 to guide the user in using the VMS 10..." (lines 34-38)

Pletz, U.S. 2002/0046086

Pletz describes an automated system and method for customer management deploys customer databases to profile customer service requests for distribution to appropriately assigned agent representatives. The representatives adopt particular roles according to customer care volume, inquiry type, time of day and other customer management needs. Consumer profiles may be accessed in real time to combine customer care events with cross-selling and other promotions related to the consumer's transaction history and other factors. (Pletz, abstract).

Applicant's note that Pletz describes a system only wherein the representatives have access to the customer profiles; they are not accessed by the customer themselves.

Claims 1-4:

The Examiner states, at page 3 of the Office Action:

"... Matthews fails to teach "the first interactive voice response service and the second interactive voice response service are each coupled to a common private branch exchange...Pletz teaches one or more voice response units (VRUs) (i.e., the first interactive voice response service

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and the second interactive voice response service) are each coupled to a common private branch exchange ... Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to the first interactive voice response service and the second interactive voice response system being each coupled to a private branch exchange as taught by Pletz. The motivation for the modification is to have doing so in order to distribute incoming calls to the voice response units..."

Applicants have amended independent claims to more clearly describe the interoperability of the two voice response services of the present invention. For example, claim 1 recites "...*the first interactive voice response service for responding to calls to the user, ..., the second interactive voice response system for controlling how the first interactive voice response service responds to calls to the user...*" Thus, the motivation provided by the Examiner, which appears in essence to state that Matthews might be modified to include two services for load balancing is moot.

Even if a motivation could be found for modifying the references as suggested by the Examiner, Applicants submit that the combination of reference neither shows nor suggests the inter-operative structure and functionality of the invention as now clearly claimed. Accordingly, for at least this reason, independent claim 1 is patentably distinct over Matthews in view of Pletz, and the rejection should be withdrawn. Dependent claims 2-4 serve to further limit claim 1 and are allowable for at least the reasons put forth with regard to claim 1.

Claim 10-14:

Independent claim 10 is patentably distinct over Matthews, which neither describes nor suggests "...An apparatus for allowing a user to provide personalized prompts associated with

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communication management options presented by a first interactive voice response service on behalf of the user, the apparatus comprising: means for maintaining access codes respectively associated with the communication management options; means for receiving a selected access code from the user via a second interactive voice response service different from the first interactive voice response service, *wherein the first interactive voice response service is for handling requests to the user, and the second interactive voice response service is for controlling how the first interactive voice response service handles requests to the user,* wherein the first interactive voice response service and the second interactive voice response service are each coupled to a common private branch exchange; means for recording the personalized prompt for a communication management option associated with the selected access code via the second interactive voice response service; and means for storing the recorded personalized prompt in a location accessible for presentation by the first interactive voice response service..."

Accordingly, for reasons similar to that put forth with regard to claim 1, claim 10 is patentably distinct over the references, and the rejection should be withdrawn. Dependent claims 11-14 depend on claim 10 and add further patentable limitations to claim 10 and are allowable for at least the reasons put forth with regard to claim 10.

Claims 19-21:

Claim 19 is patentably distinct over Matthews in view of Pletz, the combination of which neither describing nor suggesting "An apparatus for configuring a communication system adapted to manage communications for a plurality of users, the communication system including a first interactive voice response service adapted to present communication management options to incoming callers on behalf of the plurality of users, the communication management options

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having associated personalized prompts that are stored in a prompts store coupled to the first interactive voice response service, the apparatus comprising a personalization server adapted to store the associated personalized prompts in the prompts store, the personalization server including an options store adapted to store a list of the communication management options; an access code store adapted to store access codes respectively associated with the communication management options; a second interactive voice response service adapted to record the personalized prompts associated with the communication management options in response to the associated access codes, wherein the first interactive voice response service and the second interactive voice response service are each coupled to a common private branch *exchange wherein the first interactive voice response service is for handling requests to the user, and the second interactive voice response service is for controlling how the first interactive voice response service handles requests to the user...*

..." Accordingly, for reasons similar to those put forth with regard to claim 1, claim 19 is patentably distinct over Matthews, and the rejection should be withdrawn. Claims 20 and 21 serve to further limit claim 19, and are thus allowable for at least the reasons put forth with regard to claim 19.

Rejections under 35 U.S.C. §103

Claims 5 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Matthews et al (U.S. Patent No. 4,602,129) in view of in view of Pletz and further in view of Ball et al (U.S. Patent No 5,394,445).

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Ball describes (abstract) a device and process whereby a plurality of delivered calling number and associated announcement message pairs is automatically acquired and accumulated upon receipt of calls from unrecognized calling numbers.

Applicant's submit that the combination of Ball and Matthews neither describes nor suggests the limitations of claims 5 and 14, for at least the reason that the combination of Matthews and Pletz, as described above, does not disclose basic limitations in their associated parent claims. Accordingly, for at least this reason, claims 5 and 14 are patentably distinct over the combination of references, and the rejection should be withdrawn.

Claims 6-9 and 15-18

Claims 6-9 and 15-18 were rejected under 35 U.S.C. §103 as being unpatentable over Matthews in view of Pletz and further in view of Ho (U.S. Patent 6,061,502).

Ho, U.S. Patent 6,061,502:

Ho describes a communications device that transmits and receives information in accordance with facsimile and electronic mail communications protocols. The communications device recognizes a destination identifier, identifying a remote communications device as either a facsimile device or an e-mail device and transmits a document in accordance with the communications protocol utilized by the identified device. The communications device also allows the retrieval of electronic mail messages stored at a remote electronic mailbox. A user enters an electronic mail address, from which messages are desired to be retrieved, and presses a Retrieve button. The communications device initiates communication with an electronic post

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office corresponding to the entered electronic mail addresses and causes transmission of electronic mail messages stored in the specified mailbox. (Abstract, Ho)

No motivation is found for modification of references

In order to properly support a rejection under 35 U.S.C. §103, a motivation for the modification of the references suggested by the Examiner must be shown or suggested by the references. The motivation cited by the Examiner is that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to allow a device connected to the first interactive voice response service<sup>3</sup> via the internet as taught by Ho (sic). The motivation is to have the connection in order to provide different types of options via the internet..."

Applicants submit that no such motivation is found in either reference, and thus the Applicants can only assume that the Examiner is using hindsight based on the teachings of the present invention. With regard to Matthews, Applicants note that the only system illustrated in Matthews is a voice based system, using the public switched telephone network. The modification suggested by the Examiner would be an exponential networking change for Matthews, requiring different architectures and physical components that Applicants believe are beyond the realm of the teachings or desires of Matthews. Pletz deals with customer based management. Similarly, the networking arrangement of Ho deals only with digital communication of information, not voice as in Matthews. Although both references deal with communication, the basic differences in the type of communication are not inconsequential. Thus, Applicants believe that one would not be motivated to combine the references, since there is no simplistic way to integrate the two teachings. Because there is no motivation for the combination, the rejection is improper and should be withdrawn.

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Combination neither describes nor suggests claimed invention:

Assuming that a motivation could be found for the modification suggested, Applicant's independent claims 6 and 15 are also both patentably distinct over the combination of Pletz, Matthews and Ho, the combination neither describing or suggesting "...*help information including textual descriptions of the selected option for display on a graphic user interface* , the help information for assisting the user in providing personalized prompts associated with the communication management options ..." as recited in both independent claims.

There is no mention in either Matthews, Pletz or Ho of '*... said help information including textual descriptions of the selected option for display on a graphic user interface ...*'

Rather, Matthews describes, at column 5, lines 37-38 "... Instructional messages are stored in the data storage 64 to guide the user in using the VMS..." which are played to the user using voice CVMs. (see Abstract) Accordingly, Matthews, which teaches that voice CVMs are used to communicate with the user, neither describes nor suggests "said help information including textual descriptions... for display on a graphic user interface..." Although Ho teaches connection to an email and facsimile, no mention is found in Ho of providing 'help information' as recited in the claims. In addition, no such teaching is found in Pletz. For at least the reason that the combination neither describes nor suggests the limitation of the claimed invention, claim 6 is patentably distinct over the references, and the rejection should be withdrawn.

Accordingly, independent claims 6 and 15 are patentably distinct over Matthews, Pletz and Ho, and the rejection should be withdrawn. Dependent claims 7-9, and 16-18 serve to further narrow claims 6 and 15, respectively, and are therefore allowable for at least the reasons put forth with regard to their parent claims.

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Conclusion

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Lindsay McGuinness, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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